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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,373	12/27/2000	Takashi Yanase	826.1652/JDH	3847

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 03/05/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

DM

Office Action Summary

Application No.

09/748,373

Applicant(s)

YANASE ET AL.

Examiner

Joshua D Campbell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 - 12/27/2000.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application filed on 12/27/2000, IDS filed on 12/27/2000, and Priority filed on 12/27/2000.

1. Claims 1-22 are pending in this case. Claims 1, 15, 17, 19, and 21 are independent claims.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 15, 17, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferguson (US Patent Number 5,649,186, issued on July 15, 1997).

Regarding independent claim 1, Ferguson discloses a method in which news feeds are broken down into individual articles and placed into the information repository (column 5, lines 15-37 of Ferguson). A user may then select articles to be placed into a template for presentation (column 5, lines 15-37 and Figures 2A-2B of Ferguson). The

selected articles are then placed into a template and presented to the user in a readable format (column 5, line 15-column 6, line 35 of Ferguson).

Regarding dependent claim 2, Ferguson discloses a method in which news feeds are analyzed and automatically broken down into individual articles and placed into the information repository (column 5, lines 15-37 of Ferguson).

Regarding independent claims 15, 17, 19, and 21, the claims incorporate substantially similar subject matter as claim 1. Thus, the claims are rejected along the same rationale as claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3-7, 11-14, 16, 18, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson (US Patent Number 5,649,186, issued on July 15, 1997) as applied to claims 1, 15, 17, 19, and 21 above, and further in view of Krellenstein (US Patent Number 5,924,090, issued on July 13, 1999).

Regarding dependent claim 3, Ferguson discloses a method in which the articles are classified into categories when placed into the repository based on contextual similarities (column 5, line 15-column 6, line 35 of Ferguson). The articles are presented to the user as articles contained in the group when selected and are ordered in presentation by most relevant (column 5, line 15-column 6, line 35 of Ferguson). Ferguson does not disclose a method in which categories are selected based on topicality degree of the category. However, Krellenstein discloses a method in which categories in a database of records are weighted for relevance based on identified common characteristics of the records (articles), which includes the source that provided the record. Presentation of the records deals with presenting the categories with the highest weighting first (column 5, lines 4-41 of Krellenstein). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Ferguson with the method of weighting categories in a database of Krellenstein because it would have provided the user with the ability to have a more organized determination of relevance, as whole categories rather than just single objects.

Regarding dependent claim 4, Ferguson does not disclose a method in which a degree of topic relevance is not calculated based on the articles and the sources of the articles in a group. However, Krellenstein discloses a method in which categories in a database of records are weighted for relevance based on identified common characteristics of the records (articles), which includes the source that provided the record (column 5, lines 4-41 of Krellenstein). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Ferguson with the method of weighting categories in a database of Krellenstein because it would have provided the user with the ability to have a more organized determination of relevance, as whole categories rather than just single objects.

Regarding dependent claim 5, Ferguson discloses a method in which a user inputs what material should be presented on the customized newspaper (column 5, lines 15-37 and Figures 2A-2B of Ferguson). Using the selection unit specific materials are selected by the user and placed on the template (column 5, lines 15-37 and Figures 2A-2B of Ferguson).

Regarding dependent claim 6, Ferguson discloses a method in which the articles selected are updated when necessary based on the frequency of update of the article (distribution date), so that display is up to date (column 5, lines 15-37 and Figures 2A-2D of Ferguson).

Regarding dependent claim 7, Ferguson discloses a method in which articles are output to a template based on selection (column 5, line 15-column 6, line 35 of Ferguson). Ferguson does not disclose that the articles are ordered based on a

topicality degree of the category the article is from. However, Krellenstein discloses a method in which categories in a database of records are weighted for relevance based on identified common characteristics of the records (articles), which includes the source that provided the record. Selection of the records deals with presenting the categories with the highest weighting first (column 5, lines 4-41 of Krellenstein). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Ferguson with the method of weighting categories in a database of Krellenstein because it would have provided the user with the ability to have a more organized determination of relevance, as whole categories rather than just single objects.

Regarding dependent claims 11 and 13-14, Ferguson discloses a method in which only the titles of articles are shown on the initial output page, those titles containing links to the full articles (column 6, lines 23-35 and Figure 5 of Ferguson).

Regarding dependent claim 12, Ferguson discloses a method in which web pages that contain articles may be stored in the information repository (column 4, line 61-column 5, line 25 of Ferguson). The entire page is stored in the repository including all components. Ferguson does not disclose that the web pages contain images or graphics, however it was well known in the art at the time the invention was made that web pages contain images and/or graphics.

Regarding dependent claims 16, 18, 20, and 22, the claims incorporate substantially similar subject matter as claim 3. Thus, the claims are rejected along the same rationale as claim 3.

8. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson (US Patent Number 5,649,186, issued on July 15, 1997) in view of Krellenstein (US Patent Number 5,924,090, issued on July 13, 1999) as applied to claim 3 above, and further in view of Herz (US Patent Number 6,460,036, filed on December 5, 1997).

Regarding dependent claim 8, neither Ferguson nor Krellenstein disclose a method in which the articles are presented based on distribution date. However, Herz discloses a method in which articles are ranked based on certain categories and are presented as such based upon those rankings, which includes date of creation and/or date of update (column 11, lines 5-22 and column 55, line 43-column 56, line 12 of Herz). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Ferguson with the method of presenting ranked articles of Herz because it would have provided a more efficient, automatic way to organize and present the articles.

Regarding dependent claims 9-10, Ferguson discloses a method in which a selected article is presented to a user (column 5, line 15-column 6, line 35 of Ferguson). Neither Ferguson nor Krellenstein discloses a method in which related articles are also presented to the user. However, Herz discloses a method in which articles are presented to a user based on a user's profile. An article is presented to a user based on relevance to a topic and other articles relevant to that same topic (related) are also presented to the user (column 56, line 30-column 57, line 5 of Herz). It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Ferguson with the presentation method Herz because it would have allowed a user to have more efficient access to articles that are possibly relevant to the user, even articles not selected by the user.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 5,732,260, filed by Nomiyama.

US Patent Number 6,279,013, filed by Lamarca et al.

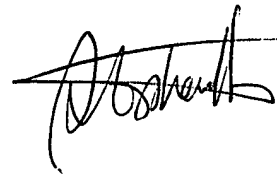
US Patent Number 6,301,577, filed by Matsumoto et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
March 1, 2004

A handwritten signature in black ink, appearing to read 'Stephen S. Hong', with a stylized flourish at the end.

**STEPHEN S. HONG
PRIMARY EXAMINER**